

AO 91 (Rev. 02/09) Criminal Complaint

**United States District Court  
for the**

**Western District of New York**

**United States of America**

**v.**

**Case No. 24-MJ-597**

**ROLANDO ANTONIO ROSADO,**

*Defendant*

**CRIMINAL COMPLAINT**

I, JUSTEN J. SILVA, Border Patrol Agent, United States Border Patrol, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about September 26, 2024, in the Western District of New York and elsewhere, the defendant, ROLANDO ANTONIO ROSADO, having previously been issued an Order of Removal from the United States to the Dominican Republic on or about June 15, 2000, and physically removed from the United States to the Dominican Republic on or about April 28, 2004, was thereafter unlawfully found in the United States without first having obtained the consent of the Attorney General, or his successor, the Secretary of the Department of Homeland Security,

all in violation of Title 8, United States Code, Section 1326(a).

This Criminal Complaint is based on these facts:

**SEE ATTACHED AFFIDAVIT OF United States Border Patrol Agent Justen Silva**


☒ Continued on the attached sheet.

  
Complainant's signature

JUSTEN SILVA, Border Patrol Agent, United States Border Patrol  
Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: October 1, 2024

  
Judge's signature

City and State: Rochester, New York

**HON. MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MONROE ) SS:  
CITY OF ROCHESTER )

Justen J. Silva, being duly sworn, deposes and says that:

**INTRODUCTION**

1. I am a Border Patrol Agent with the United States Border Patrol in Rochester, New York. I have been employed with the United States Border Patrol for over four years.

2. As part of my duties during my employment with the United States Border Patrol, I have investigated violations of the Immigration and Nationality Act and violations of the United States Code, in particular Title 8, United States Code, Section 1326 (Re-entry of Removed Aliens).

3. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents, reports, and records gathered through the investigation of this case.

4. I make this affidavit in support of the annexed criminal complaint charging ROLANDO ANTONIO ROSADO (hereinafter "ROSADO") with a violation of Title 8, United States Code, Section 1326 (Unauthorized Re-entry of a Previously Removed Alien).

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation.

I have set forth only the facts that I believe are necessary to establish probable cause to believe that ROSADO violated Title 8, United States Code, Section 1326.

**PROBABLE CAUSE**

6. ROSADO is a citizen of the Dominican Republic.
7. According to immigration records, on or about June 10, 1989, ROSADO was arrested for and convicted of Criminal Possession of a Controlled Substance 7<sup>th</sup> (misdemeanor).
8. On or about June 15, 2000, an immigration judge ordered ROSADO removed in absentia. However, ROSADO did not surrender himself for removal.
9. Subsequently, on or about October 22, 2003, ROSADO was arrested by the Rochester Police Department and charged with Criminal Possession of a Weapon.
10. As a result, on or about April 28, 2004, ROSADO was physically removed from the United States.
11. On or about September 26, 2024, a New York State Trooper stopped ROSADO's vehicle in Rochester, New York, for failure to maintain his lane.
12. Border Patrol Agents subsequently arrived at the traffic stop and recognized the driver and sole occupant of the vehicle as ROSADO. During the traffic stop, while speaking with the Border Patrol Agents, ROSADO confirmed his name and admitted to being illegally present in the United States. ROSADO was placed under arrest and transported to the Rochester Border Patrol Station.

13. While at the Border Patrol Station, ROSADO's fingerprints were taken. By checking the records associated with his fingerprints, Border Patrol Agents were able to confirm that he was in fact ROSADO and was a citizen and national of the Dominican Republic with no lawful status in the United States.

14. ROSADO was read his *Miranda* rights and agreed to waive those rights and speak to Border Patrol Agents. During this conversation, ROSADO again admitted that his name was ROLANDO ANTONIO ROSADO and that he was a citizen of the Dominican Republic. ROSADO further admitted that he was previously deported from the United States, reentered about ten years ago—in or around 2014—near Laredo, Texas, but never applied to the Attorney General for permission to re-enter the United States before doing so.

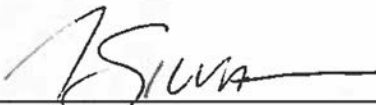
15. Based on my review of the relevant immigration records, there is no evidence that ROSADO received any authorization or approval from either the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after his last removal.

### CONCLUSION


16. Wherefore, it is respectfully submitted that probable cause exists to believe that ROSADO did commit the offense of unlawful re-entry after deportation or removal, in violation of Title 8, United States Code, Section 1326(a), in that he, a citizen and national of the Dominican Republic, having previously been issued an Order of Removal from the United States to the Dominican Republic on or about June 15, 2000, and physically removed from the United States to the Dominican Republic on or about April 28, 2004, was thereafter unlawfully found in the United States on or about September 26, 2024, without first having

obtained the consent of the Attorney General, or his successor, the Secretary of the Department of Homeland Security.

17. Since ROSADO is being prosecuted for a violation of Title 8, United States Code, Section 1326(a), a mandatory Consular Notification was sent *via* fax to the Dominican Republic.

  
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Justen J. Silva  
Border Patrol Agent  
United States Border Patrol

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on this 1st day of October, 2024.

  
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HON. MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE